

# STATE OF NEW YORK

9534

## IN ASSEMBLY

January 24, 2020

Introduced by M. of A. ABBATE -- read once and referred to the Committee on Cities

AN ACT to amend the administrative code of the city of New York, in relation to permits associated with filming in and about the city of New York

The People of the State of New York, represented in Senate and Assembly, do enact as follows:

1 Section 1. The administrative code of the city of New York is amended  
2 by adding a new title 33 to read as follows:

3 TITLE 33

4 PERMITS ASSOCIATED WITH FILMING IN AND ABOUT THE CITY OF NEW YORK

5 CHAPTER 1

6 DEFINITIONS AND APPLICABILITY

7 § 33-101 Definitions. As used in this title, the following terms shall  
8 mean:

9 1. "The mayor's office of film, theater and broadcasting" shall mean  
10 the entity responsible for the issuance of permits to engage in scout-  
11 ing, rigging, shooting and/or production activities in and about the  
12 city of New York.

13 2. "Permittee" shall mean a person or entity to whom a permit associ-  
14 ated with filming in and about the city of New York has been issued by  
15 the mayor's office of film, theater and broadcasting.

16 3. "Permitted premises" shall mean the premises identified in the  
17 permit issued by the mayor's office of film, theater and broadcasting.

18 4. "Production site" shall mean the location where scouting, rigging  
19 and/or shooting activities will occur.

20 5. "Rigging" shall mean the loading in or loading out, loading or  
21 unloading, of any shooting or production related equipment, including  
22 but not limited to props, sets, electric and grip equipment, at any  
23 location, time and date where film or theatrical production is not  
24 occurring.

25 6. "Scouting" shall mean the act of viewing, assessing and photograph-  
26 ing locations for filming or photography during pre-production or

EXPLANATION--Matter in italics (underscored) is new; matter in brackets  
[-] is old law to be omitted.

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1 production for, including, but not limited to, still photography,  
2 feature films, television series, mini-series or specials.

3 7. "Shooting" shall include (a) filming interiors or exteriors, and  
4 (b) theatrical productions whose performances are presented indoors.

5 § 33-102 Applicability of this title. The provisions of this title  
6 shall supersede any rules promulgated by the city of New York regarding  
7 scouting, rigging and production activities for filming in and about the  
8 city of New York.

## 9 CHAPTER 2

### 10 PERMITS

11 § 33-201 Processing of permits for scouting, rigging and production  
12 activities.

13 1. Notwithstanding any provision of law to the contrary, the mayor's  
14 office of film, theater and broadcasting shall not issue a permit to an  
15 applicant seeking to perform scouting, rigging and/or production activ-  
16 ities at any premises that has one or more open or pending violations  
17 issued to or associated with such premises by the New York city depart-  
18 ment of buildings, fire department of the city of New York, or New York  
19 city department of housing preservation and development. The mayor's  
20 office of film, theater and broadcasting shall require each applicant to  
21 certify there are no open or pending New York city department of build-  
22 ings, fire department of the city of New York, or New York city depart-  
23 ment of housing preservation and development violations issued to or  
24 associated with any premises at which the applicant seeks to perform  
25 rigging, production, or shooting operations.

26 2. If, at the time that the applicant made application for a scouting,  
27 rigging and production activities permit, any open or pending violations  
28 for a premises existed, the applicant shall ensure that such violations  
29 are cured and determined to be closed by the issuing entity. Once such  
30 violation or violations have been closed by the issuing entity or enti-  
31 ties, the applicant shall then certify in writing and under the penal-  
32 ties of perjury to the mayor's office of film, theater and broadcasting,  
33 that such violation or violations have been cured or remedied and deter-  
34 mined to be closed by the issuing entity. Such certification shall  
35 include written evidence that such violation or violations have been  
36 cured or remedied and closed by the issuing entity.

37 § 33-202 Responsibilities of holders of required or optional permits  
38 issued by the mayor's office of film, theater and broadcasting. 1.  
39 Designation of fire safety inspector. (a) Notwithstanding any provision  
40 of law to the contrary, prior to engaging in any rigging, production, or  
41 shooting activities, a permittee shall designate at least one fire safe-  
42 ty director who meets the qualifications prescribed in paragraph (c) of  
43 this subdivision for the project. Such designation shall be made in  
44 writing to the mayor's office of film, theater and broadcasting.

45 (b) Responsibilities of the fire safety director. A fire safety direc-  
46 tor shall be present at the production site at all times during rigging  
47 and/or shooting operations. The fire safety director shall ensure that  
48 the site is maintained in a safe condition during rigging, production  
49 and shooting operations and that the premises remain free of any condi-  
50 tions constituting a violation of any statute, rule, or regulation of  
51 the New York city department of buildings, fire department of the city  
52 of New York, or New York city department of housing preservation and  
53 development.

54 (c) Minimum qualifications for designation as a fire safety inspector.  
55 No person shall be designated a fire safety inspector for purposes of  
56 this title unless he or she meets the following minimum qualifications:

1 (i) Education. A fire safety inspector shall be a high school graduate  
2 or possess a general education development diploma; and

3 (ii) Experience. A fire safety inspector shall (A) possess at least  
4 three years' experience in the inspection and/or maintenance of build-  
5 ings to ensure that such buildings are safe and do not pose any hazards  
6 to the public; (B) possess the ability to read plans and blueprints; and  
7 (C) have a basic knowledge of preventative maintenance in carpentry,  
8 electrical, and plumbing.

9 2. Alterations to a permitted premises. Notwithstanding any provision  
10 of law to the contrary, if a permittee seeks to perform any material  
11 alterations to a premises, including but not limited to structural  
12 changes, changes to the plumbing and/or heating and cooling systems,  
13 changes to fire detection and/or fire suppression systems, or the addi-  
14 tion or removal of walls/partitions in preparation for or during any  
15 rigging, production, or shooting activity, he or she shall notify the  
16 mayor's office of film, theater and broadcasting, the New York city  
17 department of buildings and the local fire department of the city of New  
18 York administrative fire company of said alterations in writing prior to  
19 altering such permitted premises. All material alterations to a permit-  
20 ted premises shall be approved by the mayor's office of film, theater  
21 and broadcasting, the New York city department of buildings, and the  
22 fire department of the city of New York. Upon completion of such alter-  
23 ations, such permittee shall notify the local fire department of the  
24 city of New York administrative fire company of the completion thereof.  
25 Within one business day of receipt of the completion notice, the fire  
26 department of the city of New York shall inspect the premises. If the  
27 alterations pass inspection, the permittee shall be able to continue the  
28 rigging, shooting, or production activities. Additionally, the permit-  
29 tee shall display, on all exterior walls of the premises, signage or  
30 markings, of such content, size and placement as approved by the local  
31 fire department of the city of New York administrative company, to indi-  
32 cate that said alterations have been made therein.

33 3. Using combustible materials. Notwithstanding any provision of law  
34 to the contrary, if a permittee seeks to utilize potentially toxic  
35 combustible materials, including, but not limited to, spray  
36 foam/styrospray or polyurethane during rigging, production or shooting  
37 activities, such permittee shall, in writing and prior to the use of any  
38 combustible materials notify the local fire department of the city of  
39 New York administrative company of such permittee's intention to use  
40 combustible materials at least two business days before such use. Such  
41 notice shall include, for each combustible material, the name of the  
42 combustible material and the amount of such combustible material that  
43 will be used.

### 44 CHAPTER 3

#### 45 INSURANCE AND COMPLIANCE

46 § 33-301 Insurance. Notwithstanding any provision of law to the  
47 contrary, Every holder of a required permit, as such term is defined in  
48 paragraph one of subdivision (b) of section 9-01 of chapter nine of  
49 title forty-three of the rules of the city of New York shall maintain,  
50 during the entire course of its operations, commercial general liability  
51 insurance with a limit of at least ten million dollars per occurrence.

52 § 33-302 Compliance. The failure of a permittee to fully comply with  
53 the provisions of this title and the provisions of chapter nine of title  
54 forty-three of the rules of the city of New York shall result in the  
55 immediate revocation of any and all permits issued to such permittee for  
56 the non-complying permitted activities and the immediate suspension of

all rigging, production, or shooting activities related to the non-complying permitted activities. Additionally, such permittee shall be subject to a fine of no less than ten thousand dollars per day and no more than fifty thousand dollars per day for each day or portion thereof, that non-complying rigging, production and/or shooting activities took place. The mayor's office of film, theater and broadcasting shall determine the amount of and assess such fines. Any revoked permits shall not be reissued by the mayor's office of film, theater and broadcasting until such assessed fines are paid in full.

§ 2. This act shall take effect on the thirtieth day after it shall have become a law.